

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CLARENCE SMITH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:21-cv-164-MTS
)	
T. BALIVA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion to Appoint Counsel, Doc. [13]. For the following reasons, the Motion is denied.

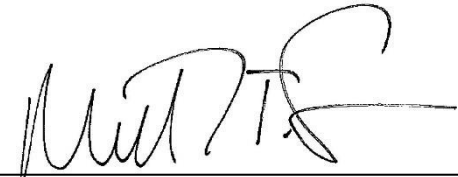
"There is no constitutional or statutory right to appointed counsel in civil cases." *Phillips v. Jasper County Jail*, 437 F.3d 791, 794 (8th Cir. 2006) (internal citation omitted). Rather, a district court may appoint counsel in a civil case if the court is "convinced that an indigent plaintiff has stated a non-frivolous claim . . . and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel." *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips*, 437 F.3d at 794.

After considering these factors, the Court finds that the appointment of counsel is not warranted at this time. The Court will entertain a future motion for appointment of counsel as the case progresses, if appropriate.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs Motion to Appoint Counsel, Doc. [13],
is **DENIED** at this time.

Dated this 16th day of June 2022



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE